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⊕1-27-03

CPA/1600 #

# CONTINUED PROSECUTION APPLICATION (CPA)
## REQUEST TRANSMITTAL
*Submit an original, and a duplicate for fee processing.*
*(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

☐ *CHECK BOX, if applicable:*
**DUPLICATE**

| ADDRESS TO: | | |
|---|---|---|
| **Assistant Commissioner for Patents**<br>**Box CPA**<br>**Washington, DC 20231** | Attorney Docket No.<br>Of Prior Application | **THUR-001** |
| | First Named Inventor | **HOFFMAN, KEITH B.** |
| | Examiner Name | **TRAVERS, RUSSELL S.** |
| | Group Art Unit | **1617** |
| | Express Mail Label No. | **EL779660148US** |

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number **09/582,964** filed on **July 6, 2000**, entitled:
**THE USE OF SERINE PROTEASE INHIBITORS TO INHIBIT PATHOPHYSIOLOGY AND NEUROPATHOLOGY IN A HOST**

## NOTES

*FILING QUALIFICATIONS:* The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office (April 11, 2000).

*C-I-P NOT PERMITTED:* A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

*EXPRESS ABANDONMENT OF PRIOR APPLICATION:* The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

*ACCESS TO PRIOR APPLICATION:* The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

*35 U.S.C. 120 STATEMENT:* In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

   a. ☐ *DELETE* the following inventor(s) named in the prior nonprovisional application:
   _____.

   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. Information Disclosure Statement (IDS) is enclosed:
   a. ☐ PTO-1449
   b. ☐ Copies of IDS Citations

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Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

01/28/2003 CV0111    00000143 500815    09582964
01 FC:2006        375.00 CH

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|---|---|---|---|---|
| | TOTAL CLAIMS (37 CFR 1.16(b) or (j)) | 12-20* = | 0 | X $ = | $ |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i)) | 3-3** = | 0 | = | |
| | MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16 | | | = | |
| | | | | BASIC FEE (37 CFR 1.16) | 750.00 |
| | | | | Total of above Calculations = | 750.00 |
| | Reduction by 50% for filing by small entity (Note 37 CFR 1.27). | | | | 375.00 |
| | * Reissue claims in excess of 20 and over original patent. ** Reissue Independent claims over original patent. TOTAL = | | | | 375.00 |

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0815.

   a. ☒ Fees required under 37 CFR 1.16.

   b. ☒ Fees required under 37 CFR 1.17.

   c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of $    is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of    months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired  .
   *[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]*

12.   a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

    b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other:  .

**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

### 14. NEW CORRESPONDENCE ADDRESS

| ☒ Customer Number or Bar Code Label | 24353 *(Insert Customer No. or Attach bar code label here)* | or ☐ Correspondence address below |
|---|---|---|

| Name | BRET E. FIELD, Reg. No. 37,620 | | | | |
|---|---|---|---|---|---|
| | BOZICEVIC, FIELD & FRANCIS LLP | | | | |
| Address | 200 Middlefield Road, Suite 200 | | | | |
| City | Menlo Park | State | California | Zip Code | 94025 |
| Country | U.S.A | Telephone | (650) 327-3400 | Fax | (650) 327-3231 |

### 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| Name | Bret E. Field |
|---|---|
| Signature | |

| Registration No. (Attorney/Agent) | 37,620 |
|---|---|
| Date | January 23, 2003 |

| | | |
|---|---|---|
| **AMENDMENT UNDER 37 C.F.R. §1.116** | Application Number | 09/582,864 |
| | Title | Use of Serine Protease Inhibitors to Inhibit Pathophysiology and Neuropathology in a Host |
| | Filing Date | July 6, 2000 |
| Address to: Assistant Commissioner for Patents Washington, D.C. 20231 | First Named Inventor | Hoffman et al. |
| | Examiner | R. Travers |
| | Group Art | 1617 |
| | Attorney Docket No. | THUR-001 |

Sir:

This amendment is responsive to the Final Rejection dated November 1, 2002 and is being submitted to accompany the CPA being filed herewith. In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested.

## AMENDMENTS

### IN THE CLAIMS

Please Cancel Claims 26-42.

Please enter the following new claims:

--43. A method of treating a host suffering from a condition characterized by an undesirable increase in synaptic responsiveness, said method comprising:

administering to said host an amount of a serine protease inhibitor effective to treat said host for said condition.